

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CRIMINAL NO. 3:19-CR-29

MICHAEL KENNEDY,

Defendant.

**DEFENDANT'S REQUEST FOR NOTICE OF GOVERNMENT'S
INTENTION TO PRESENT RULE 404(b) EVIDENCE AT TRIAL**

NOW COMES the Defendant, Michael Kennedy, by and through his counsel, B. Craig Manford, Esq., pursuant to Rule 404(b)(2) and hereby makes request upon the United States to give notice of its intention to present any Rule 404(b) evidence against the Defendant at trial and if so to comply with Rule 404(b)(2)(A) and (B).

Rule 404(b)(2) provides:

(b) Crimes, Wrongs, or Other Acts.

- (1) Prohibited Uses. Evidence of a crime, wrong, or other act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.
- (2) Permitted Uses; Notice in a Criminal Case. This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident. On request by a defendant in a criminal case, the prosecutor must:
 - (A) provide reasonable notice of the general nature of any such evidence that the prosecutor intends to offer at trial; and
 - (B) do so before trial--or during trial if the court, for good cause, excuses lack of pretrial notice.

Respectfully submitted,

Michael Kennedy
By Counsel

/s/ B. Craig Manford
B. Craig Manford
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Martinsburg, West Virginia 25402
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W.Va. Bar No. 2307

CERTIFICATE OF SERVICE

I, B. Craig Manford, hereby certify that I have served a true and correct copy of the foregoing Motion to Extend Deadlines upon, Jarod Douglas, Esq., Assistant United States Attorney, by electronic filing upon the CM/ECF Electronic Filing System, this 23rd day of September, 2019.

/s/B. Craig Manford
B. Craig Manford